



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 01 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7663 7145
RETURN RECEIPT REQUESTED

Mr. Peter Madden
Manager of Environmental Affairs
Plastics Engineering Company
2732 North 15th Street
Sheboygan, Wisconsin 53083

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID #: WIT560011629

Dear Mr. Madden:

On June 17, 2014, a representative of the U.S. Environmental Protection Agency inspected the Plastics Engineering Company facility (hereinafter "Plenco" or "facility") located in Sheboygan, Wisconsin. The purpose of the inspection was to evaluate Plenco's compliance with certain provisions of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6901 *et seq.*, and its implementing regulations; specifically, the regulations governing the generation, treatment, storage, and disposal of hazardous waste. We have enclosed a copy of the inspection report and checklists for your reference.

Based on the observations of the inspector, information provided by Plenco personnel, and a review of records, EPA finds that Plenco is engaged in the management of hazardous waste without a hazardous waste storage license, and is in violation of the Wisconsin Administrative Code ("WAC") and the United States Code of Federal Regulations ("CFR"). Specifically, EPA finds that Plenco is in noncompliance with the following conditions for a hazardous waste storage license exemption, and is in violation of the following requirements:

1. To avoid the need for a hazardous waste storage license, a large quantity generator of hazardous waste must have a contingency plan which lists the emergency equipment on site, such as fire extinguishing systems, spill control equipment, internal and external communications and alarm systems, and decontamination equipment. The plan must include the location of each item on the list, as well as a physical description of the equipment and a brief outline of its capabilities. *See* WAC ss. NR 662.034(1)(d); 665.0052(5) [40 CFR § 262.34(a)(4); 265.52(e)].

At the time of inspection, Plenco had a contingency plan which provided a list of

emergency equipment available on site. However, the list of emergency equipment did not include the location of the equipment or a brief outline of its capabilities or uses. Plenco, therefore, failed to meet the abovementioned conditions for a hazardous waste storage license exemption.

On June 17, 2014, Mr. Madden provided an amended list of emergency equipment available on site that included the location of the equipment as well as a brief outline of its capabilities and uses. Mr. Madden stated the amended list had been incorporated into Plenco's contingency plan. Thus, no further action is necessary to comply with this condition.

2. To avoid the need for a hazardous waste storage license, a large quantity generator of hazardous waste may accumulate as much as 55 gallons of hazardous waste in containers at or near the point of generation where wastes initially accumulate provided the satellite accumulation containers are marked with the words "Hazardous Waste." *See* WAC s. NR 662.034(3)(a)(2) [40 CFR § 262.34(c)(1)(ii)].

At the time of inspection, Plenco was accumulating liquid hazardous waste from punctured aerosol cans in a gray 55 gallon satellite accumulation drum in the breezeway, a small outdoor area located between Buildings 25 and Building 30. The drum was equipped with an aerosol can puncturing system and was closed. However, the drum was not marked with the words "Hazardous Waste." Plenco, therefore, failed to meet the abovementioned condition for a hazardous waste storage license exemption.

On June 17, 2014, Mr. Madden provided several pictures which displayed the gray 55 gallon drum had been labeled as "Hazardous Waste." Thus, no further action is necessary to comply with this condition.

3. To avoid the need for a hazardous waste storage license, a large quantity generator of hazardous waste must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control and decontamination equipment to any area of the facility in the event of an emergency. *See* WAC ss. NR 662.034(1)(d); 665.0035 [40 CFR §§ 262.34(a)(4); 265.35].

At the time of inspection, Plenco maintained a 90-day hazardous waste storage area in Building 27. Plenco was storing approximately 50 drums of hazardous waste methyl ethyl ketone ("MEK") distillate in the area. Although the drums of MEK distillate observed appeared labeled and dated, the drums were grouped closely together and prohibited access to inspect and identify each drum. These conditions would likely obstruct the movement and effectiveness of fire protection, spill control, and decontamination equipment. Plenco, therefore, failed to meet the abovementioned condition for a hazardous waste license exemption.

4. A large quantity generator who accumulates hazardous waste on site for 90 days or fewer and who does not meet the conditions for a storage license exemption set forth in WAC ss. NR 662.034(1)-(3) [40 CFR §§ 262.34(a)-(c)] is an operator of a hazardous waste storage facility, and is required to obtain a hazardous waste storage license. *See* WAC ss.

NR 670.001(3) and 670.010(1) and (4) [40 CFR §§ 270.1(c) and 270.10(a) and (d)].

On failing to meet the conditions for a storage license exemption outlined in number 3 above, Plenco's failure to apply for and obtain a hazardous waste storage license violated the licensing requirements of WAC ss. NR 670.001(3) and 670.010(1) and (4) [40 CFR §§ 270.1(c) and 270.10(a) and (d)].

5. A generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage or disposal, shall prepare a manifest, OMB control number 2050-0039, on EPA Form 8700-22, and if necessary, EPA Form 8700-22A, according to the instructions in the appendix to 40 CFR Part 262. *See* WAC s. NR § 662.020(1) [40 CFR § 262.20(a)(1)].

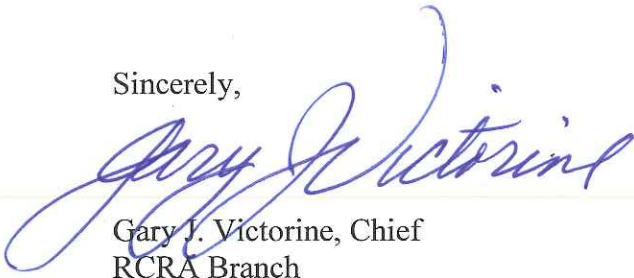
The specific manifest requirements include, but are not limited to, identifying hazardous materials by entering an "X" in Item 9a., entering the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR Part 172 in Item 9b., and entering the applicable waste codes in Item 13 most representative of the properties of the waste stream.

At the time of inspection, a manifest dated 4/7/2014 with the tracking number 007464943FLE displayed the shipment of 42 drums of waste methyl ethyl ketone, representing the "MEK distillate" waste stream generated by Plenco during the production of certain resins. According to a 4/15/2013 analysis report, the MEK distillate waste stream is comprised of approximately 86-87% methyl ethyl ketone, and in a 2013 Hazardous Waste Report to the Wisconsin Department of Natural Resources, Plenco reported the waste stream with the D035 hazardous waste code characteristic for methyl ethyl ketone. In Item 13 of the manifest referenced above, the printed waste codes in Item 13 were D001 and F005. By not also including the applicable D035 waste code in Item 13 for that waste stream, Plenco did not correctly prepare the uniform hazardous waste manifest. Plenco, therefore, is in violation of the abovementioned manifest requirement.

At this time, EPA is not requiring Plenco to apply for a hazardous waste storage license so long as it immediately establishes compliance with the conditions for an exemption outlined above. Under Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation requiring compliance immediately or within a specified time period. Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above requirements.

You should submit your response to Brian Kennedy, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604. If you have any questions regarding this letter, please contact Mr. Kennedy, of my staff, at (312) 353-4383.

Sincerely,

A handwritten signature in blue ink, reading "Gary J. Victorine". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Heidi Jasso, WDNR (heidi.jasso@wisconsin.gov)
Michael Ellenbecker, WDNR (michael.ellenbecker@wisconsin.gov)

